



PATENT
Customer No. 22,852
Attorney Docket No. 05725.0912-01000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Isabelle ROLLAT et al.) Group Art Unit: 1713
)
Application No.: 10/693,899) Examiner: Tatyana ZALUKAEVA
)
Filed: October 28, 2003) Confirmation No.: 2642
)
For: RESHAPABLE HAIR STYLING)
COMPOSITION COMPRISING)
HETEROGENEOUS)
(METH)ACRYLIC COPOLYMER)
PARTICLES)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.
Copies of the U.S. patent publications and documents available on IFW are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

With respect to the non-English language documents, Applicants submit the following remarks:

1. **JP 53-012429 A** - This document is believed to be related to U.S. Patent No. 4,196,190, submitted previously.
2. **JP 64-025713 A** - An abstract of this document can be found in the English language abstract from Patent Abstracts of Japan submitted herewith.
3. **JP 02-180911 A** - This document is believed to be related to U.S. Patent No. 5,278,269, submitted herewith.
4. **JP 06-040862 A** - This document is believed to be related to U.S. Patent No. 5,441,730, submitted herewith.
5. **JP 08-231344 A** - An abstract of the disclosure of this document can be found in the English language abstract from Patent Abstracts of Japan.
6. **JP 09-118603 A** - An abstract of this document can be found in the English language Derwent abstract submitted herewith.
7. **JP 2000-086469 A** - This document is believed to be related to U.S. Patent No. 6,368,575, submitted herewith.
8. **JP 2000-086470 A** - This document is believed to be related to U.S. Patent No. 6,214,328, submitted previously.
9. **JP 2000-509735 T** - An abstract of this document can be found in the English language Derwent abstract submitted herewith.

10. **JP 2003-192543 A** - This document claims priority to the present U.S. Patent Application and was cited in a co-pending U.S. Patent Application.

11. **JP 2004-512292 A** - This document is believed to be related to WO 02/34218, submitted herewith.

12. **JP 2004-521860 T** - An abstract of this document can be found in the English language Derwent abstract submitted herewith.

The United States Court of Appeals for the Federal Circuit held in *Dayco Products, Inc. v. Total Containment, Inc.*, 329 F.3d 1358 (Fed. Cir. 2003), that an "adverse decision" by another examiner may meet the materiality standard under amended 37 C.F.R. § 1.56 and, thus, Applicants should disclose prior rejections of "substantially similar claim[s]" to the Office. Accordingly, although Applicants do not represent that the Office Actions in the co-pending applications are material to the present application and do not admit that any of the other claims are substantially similar, out of an abundance of caution Applicants have listed the substantive Office Actions issued in co-pending applications on the attached PTO/SB/08.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and Applicants determine that the cited documents do not constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 19, 2005

By: 

Mark D. Sweet
Reg. No. 41,469

Reg. No. 45,958 for

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

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Application Number

10/693,899

Filing Date

October 28, 2003

First Named Inventor

Isabelle ROLLAT

Art Unit

1713

Examiner Name

T. ZALUKAEVA

Attorney Docket Number

05725.0912-01000

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

Examiner Initials ¹	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
		US-5,019,377	05-28-1991	Torgerson	
		US-5,039,519	08-13-1991	Inoue et al.	
		US-5,278,269	01-11-1994	Mita et al.	
		US-5,441,730	08-15-1995	Gough et al.	
		US-6,346,234	02-12-2002	Rollat et al.	
		US-6,368,575	04-09-2002	Chang et al.	
		US-2002/0076390	06-20-2002	Kantner et al.	
		US-2003/0147833	08-07-2003	Rollat et al.	
		US-6,723,312	04-20-2004	Dupuis	

Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.

FOREIGN PATENT DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		JP 53-012429 A	02-03-1978	Rohm & Haas Co.		
		JP 64-025713 A	01-27-1989	Kao Corp.		Abstract
		JP 02-180911 A	07-13-1990	Kao Corp.		
		JP 06-040862 A	02-15-1994	Chesebrough-Ponds USA Co.		
		JP 08-231344 A	09-10-1996	Kao Corp.		Abstract
		JP 09-118603 A	05-06-1997	L'Oreal SA		Abstract
		JP 2000-086469 A	03-28-2000	Rohm & Haas Co.		
		JP 2000-086470 A	03-28-2000	Rohm & Haas Co.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		English language abstract of JP 64-025713 A from Patent Abstracts of Japan	
		English language abstract of JP 08-231344 A from Patent Abstracts of Japan	
		English language Derwent Abstract of JP 09-118603 A	
		English language Derwent Abstract of JP 2000-509735 T	
		English language Derwent Abstract of JP 2004-521860 T	

Examiner
SignatureDate
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Complete if Known

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

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of

2

Application Number

10/693,899

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October 28, 2003

First Named Inventor

Isabelle ROLLAT

Art Unit

1713

Examiner Name

T. ZALUKAEVA

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		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		JP 2000-509735 T	08-02-2000	L'Oreal SA		Abstract
		JP 2003-192543 A	07-09-2003	L'Oreal		
		JP 2004-512292 A	04-22-2004	3M Innovative Properties Co.		
		JP 2004-521860 T	07-22-2004	L'Oreal SA		Abstract
		WO 97/33555	09-18-1997	The Proctor & Gamble Co.		
		WO 97/33557	09-18-1997	The Proctor & Gamble Co.		
		WO 02/34218	05-02-2002	3M Innovative Properties Co.		

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		Office Action in co-pending Application No. 09/627,055 (Attorney Docket No. 05725.0662-00000), dated May 27, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/022,253 (Attorney Docket No. 05725.0959-00000), dated May 31, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/023,330 (Attorney Docket No. 05725.0922-00000), dated August 26, 2005 (Ex. Wells)	
		Office Action in co-pending Application No. 10/395,064 (Attorney Docket No. 05725.0911-01000), dated August 31, 2005 (Ex. Venkat)	
		Office Action in co-pending Application No. 10/623,741 (Attorney Docket No. 05725.0663-01000), dated August 31, 2005 (Ex. Venkat)	

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SignatureDate
Considered

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